IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 8576 of 2005

Between:

Dr. M. Srirama Krishna Prasad, S/o. Venkateswara Rao,
Kurnool Medical College, Kurnool.

..... PETITIONER

AND

1 The Special Chief Secretary to Government, Health, Medical and Family Welfare Department, Government of A.P., Secretariat Buildings, Hyderabad.
2 The Director of Medical Education, Government of A.P, Sultan Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or Order or direction more in the nature of Writ of Mandamus declaring the orders dated 27-1-2005 passed in Review M.A. No. 3132 of 2004 O.A.No. 6654/2000 and orders dated 01-9-2004 passed in O.A.No. 6654/2000 on the file of the A.P. Administrative Tribunal, Hyderabad as illegal and arbitrary and consequentially direct the respondents herein to consider promoting the petitioner as Professor, Foresic Medicine from the date on which Dr. L.C. Obulesu was promoted and grants seniority in such over the above him as per the orders dated 30-4-1999 passed in O.A.Nos.7031 of 1997 and 351 of 1998 on the file of the A.P. Administrative Tribunal, Hyderabad.

Counsel for the Petitioner: MR.P.V.S.S.S.RAMA RAO
Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 01.09.2004 and 27.01.2005, passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.6654 of 2000 and Review M.A.No.3132 of 2004 respectively.

2. The petitioner filed O.A. seeking promotion to the post of Professor, Forensic Medicine in teaching side and however during the pendency of the O.A. he was promoted to the post of Professor.

3. The grievance of the petitioner is that he will be given notional promotion from the date his juniors were promoted, as held by the Tribunal in O.A.Nos.7031 of 1997 and 351 of 1998, dated 30.04.1999. But however, the Tribunal proceeded on a misconception that the petitioner is seeking promotion to the post of Professor from teaching cadre to non-teaching.

4. We have heard the learned Government Pleader also.

5. Inasmuch as the petitioner is seeking promotion only in teaching cadre to the post of Professor, we dispose of the Writ Petition with a direction that the respondents shall consider the case of the petitioner for promotion to the post of Professor with retrospective effect as directed by the Tribunal in the O.A.Nos.7031 of 1997 and 351 of 1998. This exercise shall be done within a period of two months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 26.04.2005

ES

To

1 The Special Chief Secretary to Government, Health, Medical and Family Welfare Department, Government of A.P., Secretariat Buildings, Hyderabad.
2 The Director of Medical Education, Government of A.P, Sultan Bazar, Hyderabad.

3 2 CCs to the GP for Services-I, High Court buildings, Hyderabad (OUT)

4 2 CD copies